



# EMPLOYMENT TRIBUNALS

London South Employment Tribunal  
9th August 2023 (video)

**Claimant:** Isi Omoregbee  
**Respondent:** St John's Nursing Home Limited

## Open preliminary hearing

**Before:** Judge M Aspinall (sitting alone as an Employment Judge)  
**Appearances:** Mr F Husain, Solicitor for the Respondent

## JUDGMENT

1. For the reasons which follow, **the claims brought by the Claimant are struck out in their entirety under Rule 37** of The Employment Tribunals Rules of Procedure 2013 as amended.
2. This claim came before me for an Open Preliminary Hearing listed on 9 August 2023. Despite proper notice being provided, the Claimant, Ms Isi Omoregbee, did not attend or provide any explanation for her non-attendance. Her ET1 form indicated that she was represented by Dr Olu Taiwo (HC). Dr Taiwo did not attend either. Mr Faisal Husain attended on behalf of the Respondent.
3. Under Rule 37 of the Employment Tribunals Rules of Procedure 2013, the Tribunal has discretion to strike out all or part of proceedings where a claimant fails to comply with tribunal rules, a practice direction or order. As established in *Mehta v Child Support Agency* [2002] EWCA Civ 188, unexplained non-attendance by a claimant indicates a failure to comply with rules and directions, warranting strike out.
4. I find that by not attending or providing reasons for her absence, the Claimant has failed to comply with tribunal rules and practice directions requiring attendance at hearings. The Respondent submitted this demonstrates a lack of interest in pursuing the claim. I accept this position, noting there has been no participation by the Claimant since submitting her claim form despite notices being sent.
5. In my judgment, the Claimant's non-attendance together with her lack of engagement indicates she is not actively pursuing the matter. I am satisfied that in these circumstances, it is appropriate to exercise my discretion under Rule 37 to strike out the claim in its entirety. The Claimant has not complied with requirements to attend hearings or respond to communications.

**Employment Judge M Aspinall**  
**09 August 2023**